

REMARKS

Claims 3-11 are cancelled, and Claims 1, 2 and 12 are pending in the case.

The Office Action states that if Applicant desires to seek the benefit of foreign priority that a certified English translation of the foreign application must be submitted with this amendment. Applicants do so desire to seek that benefit, and the requested certified English language translation of the priority document as well as a certified copy of the priority document itself are attached hereto.

The Office Action objects to the manner in which the Applicants have used the trademark Chlorox™ as it appears on page 29 of the specification. Applicants respectfully point out that it would not be correct to make the change requested by the Examiner, because page 29, line 1 where it appears is in the title of a journal article. Applicants are simply stating there on page 29 of the specification what the title of the journal article is. If Applicants make the change requested by the Examiner, confusion will be added to the specification because the journal article being cited would no longer be referenced by the title as it appears on the journal article. Withdrawal of the objection to the specification is respectfully requested.

Claim 9 was objected to, however, in light of the amendments appearing in this case and the cancellation of Claim 9 this objection is believed to have been overcome. Withdrawal of the objection is respectfully requested.

Claims 1-3 and 9 were rejected under 35 USC Section 112, second paragraph, as being incomplete for omitting essential steps. Applicants respectfully traverse and assert that the claims as the stood were clear to one skilled in the art and were not incomplete. However, to remove issues from the case and advance its prosecution, Claim 1 has been amended to recite with more particularity the steps of the method of the present invention. It is believed these amendments overcome the rejection and withdrawal of the rejection is respectfully requested.

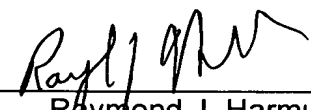
Claims 1, 3 and 9 stand rejected under Section 102 over Vaddi et al., and Claims 1-3 and 9 stand rejected over Vaddi et al., in combination with Mellgren et al..

The additional limitation in step (a) of proposed new claim 1 is the presence of from about 2 to 10% (v/v) DMSO in the screening assay. This feature was disclosed in original Claim 6 and on page 18, lines 4-9 of the patent specification. This is not trivial and is important to render claimed screening assay suitable for a high

throughput format. This is explained in the specification at page 9, line 22 through page 11, line 19, in particular the first complete paragraph of page 11. The unexpected advantages of the claimed screening assay are pointed out on page 17, lines 10=21 and on page 18 of the specification. Neither Vaddi et al nor Mellgren et al disclose or suggest an *in vitro* screening assay for identifying fungicides using 20S proteasomes in the claimed manner. Newly added Claim 12 is specifically directed to a high throughput screening assay. Nowhere is this taught or even suggested by Vaddi et al nor Mellgren et al., nor any combination thereof.

It is believed that the claims are in condition for allowance. Review and reconsideration and allowance of the claims are respectfully requested.

Respectfully submitted,

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